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SERVICE DATE - SEPTEMBER 18, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 580X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–IN MUHLENBERG
AND MCLEAN COUNTIES, KY

Decided: September 17, 2001

By decision and notice of interim trail use or abandonment (NITU) served on December 22, 2000, a 180-day period was authorized for the Counties of McLean and Muhlenberg, KY, and the City of Island, KY, to negotiate an interim trail use/rail banking agreement with CSX Transportation, Inc. (CSXT) for a 7.48-mile portion of its rail line in the Midwest Region, known as its Nashville Division, O&N Nashville Subdivision, extending from milepost 00D-186.35 near Moorman in Muhlenberg County, KY, to milepost 00D-193.83 near Livermore in McLean County, KY. By decision served July 12, 2001, the negotiating period was extended until September 18, 2001.

On September 7, 2001, CSXT filed a request to extend the NITU negotiation period until January 31, 2002. CSXT states that, as the parties have been unable to complete the transaction, a further extension is needed to finalize trail negotiations.

Where, as here, a carrier consents to continue negotiations, an extension may be granted. Because an extension of the negotiation period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d), the extension request will be granted. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiation period will be extended until January 31, 2002.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. CSXT's request to extend the NITU negotiation period is granted.
2. The NITU negotiation period is extended until January 31, 2002.

3. This decision is effective on its service date.

By the Board, David M. Konschnick, Director, Office of Proceedings.

Vernon A. Williams
Secretary